

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STEPHEN G. EBERT,)	
)	No. CV-04-0429-CI
Plaintiff,)	
)	ORDER GRANTING MOTION TO
v.)	VOLUNTARILY DISMISS CAPTIONED
)	MATTER UNDER FED. R. CIV. P.
JO ANNE B. BARNHART,)	41(A)(2)
Commissioner of Social)	
Security,)	
)	
Defendant.)	

BEFORE THE COURT is Plaintiff's Motion to Voluntarily Dismiss the captioned matter, construed as a Motion under FED. R. CIV. P. 41(a)(2). (Ct. Rec. 11.) Attorney Lana Cece Glenn represents Plaintiff; Chief Civil Assistant United States Attorney Pam DeRusha represents Defendant. The parties have consented to proceed before a magistrate judge. (Ct. Rec. 6.) There is no objection to the dismissal by Defendant. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion (Ct. Rec. 11) is **GRANTED**; the Complaint and claims are **DISMISSED WITHOUT PREJUDICE**.

2. The District Court Executive is directed to file this Order and provide a copy to counsel for Plaintiff and Defendant. The file shall be **CLOSED** and judgment entered in accordance with this Order.

DATED June 6, 2005.

S/ CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE